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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,442	04/07/2004	Mikko Makela	915-007.084	7157
4955 7590 04/03/2007 WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			EXAMINER TANK, ANDREW L	
			ART UNIT 2109	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/03/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/820,442		MAKELA, MIKKO	
	<b>Examiner</b>		<b>Art Unit</b>	
	Andrew Tank		2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>July 30 2004, May 31 2005</u>                                 | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This action is in response to the original filing of April 7, 2004. Claims 1-17 are pending and have been considered below.

2. Examiner's Note. The Applicant appears to be attempting to invoke 35 U.S.C. 112 6<sup>th</sup> paragraph in Claims 15 and 17 by using "means-plus-function" language. However, the Examiner notes that the only "means" for performing these cited functions in the specification appears to be computer program modules. While the claims pass the first test of the three-prong test used to determine invocation of paragraph 6, since no other specific structural limitations are disclosed in the specification, the claims do not meet the other tests of the three-prong test. Therefore, 35 U.S.C. 112 6<sup>th</sup> paragraph has not been invoked when considering these claims below.

### *06 Claim ~~Re~~jections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 13 and 14 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 13 is a computer program claim (i.e. set of written instructions) and claim 14 is a computer program product (i.e. a set of written instructions located on a medium) that both refer back to claim 1. The Office considers any claim that refers to another claim as dependent thereon, i.e. a dependent claim. Since claim 1 is a method claim comprising four steps and both claim 13 and claim 14 fail to

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add, delete, or change any of these steps, claims 13 and 14 fail to further limit their parent claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 13 and 15-17 are rejected under 35 U.S.C. 101 because the claimed inventions are directed to non-statutory subject matter.

- Claim 13: Applicant claims a computer program with instructions. A computer program is not a series of steps or acts and is not a process. A computer program is not a physical article or object and as such is not a machine or manufacture. A computer program is not a combination of substances and therefore not a compilation of matter. Thus, a computer program does not fall within any of the four categories of invention. Therefore, claim 13 is non-statutory.
- Claims 15-17: Applicant claims a device and system for presenting a page comprising several means for doing the presentation. However, while the applicant claims a device and system, the components of this device and system have been determined above to be to be computer program modules. A computer program module is not a series of steps or acts and is not a process. A computer program module is not a physical article or object and as such is not a machine or manufacture. A computer program module is not a combination of substances and therefore not a compilation of matter. Thus, the

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combination of computer program modules do not fall within any of the four categories of invention. Therefore, claims 15-17 are not statutory.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-2, 4-6, 8-17 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,834,306 (**Tsimelzon**).

- **Claims 1, 15, and 17:** **Tsimelzon** discloses a method for presenting at least a part of a page, comprising:
  - at least partially dividing at least one page into a plurality of areas (col 7 lines 8-25);
  - presenting said plurality of areas in a first representation (Fig. 5(b)), making at least one area of said plurality of areas an active area (col 7 lines 19-25); and
  - in response to a user operation on said at least one active area, presenting at least one of said at least one active areas in a second representation (Fig. 5(c) “520”).
- **Claim 2:** **Tsimelzon** discloses the method according to claim 1 above, wherein in said user operation, at least one of said at least one active areas is selected, and wherein at

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least said selected area is presented in said second representation (col 7 lines 19-25, Fig. 5(b), 5(c)).

- Claim 4: Tsimelzon discloses the method according to claim 1 above, wherein said at least partial division of said at least one page into said plurality of areas is based on a structure of at least a part of said at least one page (col 7 lines 65-67, col 8 lines 40-56, Fig. 8).
- Claim 5: Tsimelzon discloses the method according to claim 1 above, wherein said at least partial division of said at least one page into said plurality of areas is based on a sectioning algorithm (col 7 lines 65-67, col 8 lines 57-67, col 9 lines 1-7, Fig 9).
- Claim 6: Tsimelzon discloses the method according to claim 1 above, wherein in said first representation, at least one area of said plurality of areas is scaled to a size that is smaller than the original size of said respective area (col 7 lines 17-20 “Each of these areas can be sized..”).
- Claim 8: Tsimelzon discloses the method according to claim 1 above, wherein in said first representation, at least one area of said plurality of areas is indicated by an icon (col 11 lines 64-67, col 12 lines 1-6).
- Claim 9: Tsimelzon discloses the method according to claim 1 above, wherein areas of said plurality of areas with a size that is above a size threshold, or that contain an amount of information that is above an information threshold are made active areas, or both (col 3-67, col 12 lines 1-67 user criteria for notification).

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- Claim 10: **Tsimelzon** discloses the method according to claim 1 above, wherein at least one of said at least one active areas is automatically focused, or selected according to a selection criterion, or both (col 7 lines 47-49).
- Claim 11: **Tsimelzon** discloses the method according to claim 1 above, wherein in said second representation, at least one active area is scaled to a size that is larger than the size in said first representation (col 7 lines 17-20 “Each of these areas can be sized..”).
- Claim 12: **Tsimelzon** discloses the method according to claim 1 above, wherein within at least one of said areas presented in said first representation, elements can be directly selected by a user (col 6 lines 64-67, col 7 lines 1-2).
- Claim 13: **Tsimelzon** discloses the method according to claim 1 above scribed into a computer program with instructions operable to cause a processor to perform said method (col 4 lines 50-57).
- Claim 14: **Tsimelzon** discloses the method according to claim 1 above scribed into a computer program product comprising a computer program with instructions operable to cause a processor to perform said method (col 4 lines 50-57).
- Claim 16: **Tsimelzon** discloses the method according to claim 15 above, wherein said areas are presented on a display module, or on a display of a portable electronic device (col 4 lines 6-16, col 13 lines 1-51).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent 6,834,306 (**Tsimelzon**).

- **Claim 3:** **Tsimelzon** discloses the method according to claim 1 above, but does not specifically disclose at least two areas of said plurality of areas being made active.

However, **Tsimelzon** does disclose making one area active (col 7 lines 19-25) and user selection of multiple areas (col 7 lines 19-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the present invention was made to allow a user to selected more than one area as active. One would have been motivated to do this in order to allow a user to have access to a plurality of information areas thereby maximizing their time spent without having to navigate through multi-level websites (col 1 lines 42-46).

- **Claim 7:** **Tsimelzon** discloses the method according to claim 1 above, but does not specifically disclose that in said first representation, at least one area of said plurality of areas is cropped. However, **Tsimelzon** does disclose allowing a user to size areas (col 7 lines 17-20 "Each of these areas can be sized.."). Therefore, it would have been obvious to one of ordinary skill in the art at the time the present invention was made to allow a user to resize an area by cropping it. One would have been motivated to do this in order to allow a user to resize areas without the hassle of managing the left over information, thereby maximizing their time spent with the application.



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***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- U.S. 5,920,315 (**Santo-Gomez**) – relates to multi-pane window operation with recoiling workspaces.

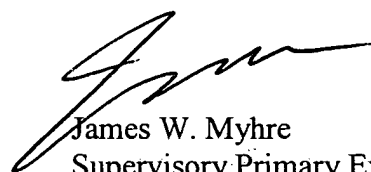
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Tank whose telephone number is 571-270-1692. The examiner can normally be reached on Mon - Fri (Alt. Fri Off) 0730-1500 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Myhre can be reached on 571-270-1065. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



ALT  
March 30, 2007



James W. Myhre  
Supervisory Primary Examiner